

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 22-cv-05325 DGE

**STIPULATED MOTION AND PROPOSED
ORDER FOR RELIEF FROM DEADLINES
AND FOR BRIEFING SCHEDULE ON
DISPOSITIVE CROSS-MOTIONS**

NOTE ON MOTION CALENDAR: June 21,
2022

Pursuant to LCR 7(d)(1), LCR 7(k), and LCR 10(g), the parties submit this stipulated motion and proposed order for a briefing schedule on dispositive cross-motions and for relief from discovery-related deadlines.

On May 16, 2022, this Court entered an Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement. *See* Dkt. # 57. That order requires the parties both to conduct a Fed. R. Civ. P. 26 conference by August 1, 2022 and to submit a joint status report by August 15, 2022. It also requires the parties to exchange Fed. R. Civ. P. 26 initial disclosures by August 8, 2022.

The parties in this case jointly request relief from the aforementioned deadlines and request that the Court enter a briefing schedule related to dispositive motions that might expedite consideration of this case.

Plaintiff Maverick Gaming LLC (Maverick) represents that it has brought this action challenging the legality of (1) the federal defendants' approval of recent sports-wagering amendments to the State of Washington's class III gaming compacts with federally recognized Indian tribes; (2) the state defendants' execution and administration of Washington's class III state-tribal gaming compacts; and (3) the state defendants' enforcement of Washington's criminal class III gaming prohibitions. *See* Dkt. # 1. Defendants have not yet answered or responded to Maverick's operative complaint and reserve all rights to respond and assert affirmative defenses.

The parties have conferred and have agreed that Plaintiff's complaint (Dkt. # 1) presents questions of law that appear to be resolvable through dispositive motions (e.g., motions to dismiss or for summary judgment) without the need for factual discovery. The parties do not expect that discovery or an evidentiary hearing will be necessary. Accordingly, in the interest of efficiency, uniform deadlines, and conserving the time and resources of counsel and the Court, the parties respectfully request that the Court enter the following schedule:

1. Plaintiff shall have up to and including July 1, 2022 to file any First Amended Complaint.
2. Defendants shall be relieved of any obligation to serve and file any answers to Plaintiff's operative complaint, unless there are claims that remain pending after the Court has ruled on all dispositive motions, in which case Defendants shall have 20 days after the Court has resolved all dispositive motions to answer Plaintiff's operative complaint.
3. The Federal Defendants shall have up to and including July 15, 2022 to file the administrative record.
4. Plaintiff shall have up to and including August 12, 2022 to file any dispositive motion that shall not exceed 30 pages.
5. Defendants shall have up to and including September 12, 2022 to file any dispositive motions and to file any responses to Plaintiff's dispositive motion. The Federal

Defendants¹ and the State Defendants² shall be permitted to file one combined brief each, not to exceed 30 pages, in support of their dispositive motions and responding to Plaintiff's dispositive motion.

6. Plaintiff shall have up to and including October 12, 2022 to file any response to Defendants' dispositive motions and to file any reply in support of its dispositive motion. Plaintiff shall be permitted to file one combined brief, not to exceed 40 pages, replying to Defendants' responses to its dispositive motion and responding to Defendants' dispositive motions.
7. Defendants shall have up to and including November 2, 2022 to file any replies in support of their dispositive motions. The Federal Defendants and the State Defendants shall be permitted to file one brief each, not to exceed 15 pages, replying to Plaintiff's responses to their dispositive motions.
8. The parties are relieved of any obligation to meet and confer under Fed. R. Civ. P. 26(f), to file initial disclosures under Fed. R. Civ. P. 26(a)(1), and to file a combined joint status report and discovery plan under Fed. R. Civ. P. 26(f), unless otherwise ordered by the Court.

The parties recognize that the page limits indicated above exceed the default length for briefs specified in LCR 7(e)(3). However, as contemplated by LCR 7(k), the parties submit that the proposed enlarged page limits are consistent with the goal of promoting efficiency, because

¹ The Federal Defendants are the United States of America, United States Department of the Interior, Deb Haaland in her official capacity as Secretary of the Interior, and Bryan Newland in his official capacity as Assistant Secretary – Indian Affairs.

² The State Defendants are Jay Inslee in his official capacity as the Governor of Washington, Robert Ferguson in his official capacity as the Attorney General of Washington, Bud Sizemore in his official capacity as Chair of the Washington State Gambling Commission, Julia Patterson in her official capacity as Vice-Chair of the Washington State Gambling Commission, Alicia Levy in her official capacity as Commissioner of the Washington State Gambling Commission, Kristine Reeves in her official capacity as Commissioner of the Washington State Gambling Commission, Sarah Lawson in her official capacity as Commissioner of the Washington State Gambling Commission, Steve Conway in his official capacity as ex officio member of the Washington State Gambling Commission, Jeff Holy in his official capacity as ex officio member of the Washington State Gambling Commission, Shelley Kloba in her official capacity as ex officio member of the Washington State Gambling Commission, Brandon Vick in his official capacity as ex officio member of the Washington State Gambling Commission, and Tina Griffin in her official capacity as Interim Director of the Washington State Gambling Commission.

the parties will be filing combined motions/responses/replies on a four-brief schedule instead of separate briefs on a six-brief schedule, and also because Plaintiff will be responding and replying to two briefs instead of one. The parties also request oral argument on the dispositive motions. The parties preserve all arguments and defenses; no party waives any argument or defense by entering into and filing this joint motion, except as expressly stated above.

A proposed order is appended to this stipulated motion pursuant to LCR 10(g).

DATED June 21, 2022.

Presented by:

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ORDER

It is so ordered.

Dated this ____ day of June, 2022.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which sends notification of the filing to all counsel of record.

DATED June 21, 2022.

/s/ Thomas M. Brennan

Thomas M. Brennan